

ENTERED

August 30, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BASHIR ALI,

Plaintiff.

VS.

ALLSTATE INDEMNITY
COMPANY,

Defendant.

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CIVIL ACTION NO. 4:20-CV-02769

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On August 6, 2021, Defendant Allstate Indemnity Company's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. 13) and Plaintiff Bashir Ali's Motion to Sever and Abate Plaintiff's Extra-Contractual Claims (Dkt. 28) were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(A)–(B). *See* Dkt. 30. Judge Edison filed a Memorandum and Recommendation on August 9, 2021, recommending that Defendant Allstate Indemnity Company's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. 13) be **GRANTED**, and that Plaintiff Bashir Ali's Motion to Sever and Abate Plaintiff's Extra-Contractual Claims (Dkt. 28) be **DENIED AS MOOT**. *See* Dkt. 31. Judge Edison also recommended that Plaintiff be given leave to file a Second Amended Complaint pleading a cause of action under the federal declaratory judgment statute.

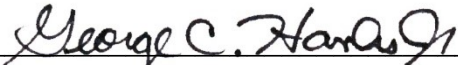
No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED and ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 31) is **APPROVED and ADOPTED** in its entirety as the holding of the Court;
- (2) Defendant Allstate Indemnity Company's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. 13) is **GRANTED**;
- (3) Plaintiff's Motion to Abate and Sever Extra-Contractual Claims (Dkt. 28) is **DENIED AS MOOT**; and
- (4) Plaintiff Bashir Ali is given leave to file a Second Amended Complaint pleading a cause of action under the federal declaratory judgment statute by **September 17, 2021**.

It is so **ORDERED**.

SIGNED at Houston, Texas, this 30th day of August, 2021.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE